IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6948 of 2007()

CRIME NO.729/07 OF KASARAGOD POLICE STATION, KASARAGOD

PETITIONERS : ACCUSED 2 & 3:

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1. AMINA, AGED 50 YEARS,
   W/O.LATE ISMAIL, MANAL HOUSE, CHEMNAD,
   KASARAGOD.

2. SAHINA, AGED 23 YEARS,
   D/O.LATE ISMAIL, MANAL HOUSE, CHEMNAD,
   KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
INSPECTOR OF POLICE, KASARAGOD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6948 of 2007

Dated this the 14th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 2 and 3. Altogether there are 3 accused persons. The defacto complainant is the wife of the 1st accused. The petitioners are the mother in law and sister in law of the defacto complainant. The 1st accused is employed abroad. It is alleged that the petitioners are guilty of matrimonial cruelty of the culpable variety punishable under Section 498 A I.P.C against the defacto complainant. Crime was registered on the basis of a private complaint filed by the defacto complainant before the Magistrate and referred to the police by the Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage took place on 5.09.04. Spouses are blessed with one child. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There is some strain in the matrimonial relationship and because of such strain, false and exaggerated allegations are being raised against the petitioners. The petitioners do not deserve to endure the trauma of arrest and detention. The petitioners may be granted anticipatory bail, it is prayed.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail in the facts and circumstances of this case. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 21.11.2007. They shall be enlarged on regular bail on their executing bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 22.11.07 and 23.11.07 and thereafter between 10 a.m and 12 noon on all Mondays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 21.11.2007 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 21.11.07.

(R.BASANT, JUDGE)

rtr/-